

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)
)
 v.) **CASE NO: 2:07-cr-166-WKW**
)
JOHN WEBSTER)

UNOPPOSED MOTION TO CONTINUE TRIAL

COMES NOW the Defendant, John Webster, by and through his undersigned counsel, Michael J. Petersen, and moves this Court to continue his case past the presently scheduled date of November 5, 2007. As grounds for granting this Motion, Defendant would show the following:

1. On August 15, 2007, John Webster was charged in a two count Indictment with being a felon in possession of a firearm and in possession of a controlled substance.
2. On September 25, 2007, John Webster appeared at arraignment and entered a plea of not guilty.
3. On September 27, 2007, undersigned counsel filed a motion to withdraw as counsel on the information and belief that John Webster had retained counsel. On September 28, 2007, this motion was granted.
4. On October 3, 2007, undersigned counsel filed his notice of appearance in the instant matter upon ascertaining that John Webster would be unable to retain counsel.
5. Undersigned counsel needs additional time to adequately prepare for trial. As such, a continuance is essential to complete investigation this case.
6. The Government, through Assistant United States Attorney Kent Brunson, has no opposition to the granting of this Motion.

7. While requests for a continuance are addressed to the sound discretion of the trial court, United States v. Darby, 744 F.2d 1508, 1521(11thCir. 1984), reh'g denied 749 F.2d 733, cert. denied, 471 U.S. 1100 (1985), undersigned counsel feels that, in this case, the ends of justice will be served by allowing the defense adequate time to review all potentially relevant information and to interview all potential witnesses in order to adequately prepare a defense to the charge contained in the Indictment.

WHEREFORE, based upon the foregoing, undersigned counsel respectfully requests that this trial be continued beyond the presently scheduled date of November 5, 2007.

Dated this 10th day of October, 2007.

Respectfully submitted,

s/ Michael J. Petersen
MICHAEL J. PETERSEN
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ASB-5072-E48M

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CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:
Kent Brunson, AUSA, 131 Clayton Street, Montgomery, AL 36104.

Respectfully submitted,

s/ Michael J. Petersen
MICHAEL J. PETERSEN
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